

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GARY A. LENZ and
GARY M. KLINEFELTER

Appeal No. 2005-0074
Application No. 09/739,080

ON BRIEF

Before OWENS, WALTZ, and DELMENDO, Administrative Patent Judges.
WALTZ, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on an appeal from the primary examiner's final rejection of claims 33 through 36, 39 and 49. The remaining claims in this application are claims 1-32, 37, 38, 40-48 and 50-53, which stand withdrawn from further consideration by the examiner as directed to a non-elected invention (Brief, page 2). We have jurisdiction pursuant to 35 U.S.C. § 134.

According to appellants, the invention is directed to an identification card personalization device that is used to create

identification cards, which device includes a hardware component, a network adapter, and a web client (Brief, page 2). Appellants state that each claim stands alone (except claims 35 and 36 which stand or fall together)(Brief, page 4). To the extent appellants present reasonably specific, substantive arguments for the separate patentability of individual claims, we consider these claims separately. See 37 CFR § 1.192(c)(7)(8)(2002); *In re McDaniel*, 293 F.3d 1379, 1383, 63 USPQ2d 1462, 1465 (Fed. Cir. 2002). Representative independent claim 33 is reproduced below:

33. An identification card personalization device comprising:
 at least one hardware component selected from a group consisting of a print mechanism for printing onto a card and a lamination mechanism for laminating the card;
 a network adapter connectable to a network; and
 a web client for subscribing to data on the network.

The examiner has relied upon the following references as evidence of unpatentability:

D'Entremont et al. (D'Entremont)	5,646,388	Jul. 08, 1997
Watanabe	5,717,776	Feb. 10, 1998
Knowlton et al. (Knowlton)	5,973,692	Oct. 26, 1999
Provost (filed Jan. 21, 1993)	6,335,799 B1	Jan. 01, 2002

Business Wire, Inc., "OrdaCard announces new Internet based high volume secured photo ID card production services," (OrdaCard), Oct. 23, 1998.

The following rejections have been presented for our review in this appeal:¹

(1) claims 33, 34, 39 and 49 stand rejected under 35 U.S.C. § 102(b) as anticipated by OrdaCard (Answer, page 4);

(2) claims 33 and 49 stand rejected under 35 U.S.C. § 102(e) as anticipated by Provost (Answer, page 5);

(3) claims 33 and 49 stand rejected under § 102(b) as anticipated by Watanabe (*id.*);

(4) claims 33 and 49 stand rejected under § 102(b) as anticipated by D'Entremont (*id.*);

(5) claims 33-36, 39 and 49 stand rejected under § 103(a) as unpatentable over the combination of OrdaCard and Knowlton (*id.*); and

(6) claims 33-36 and 49 stand rejected under § 103(a) as unpatentable over the combination of Provost and Knowlton (Answer, page 6).

Based on the totality of the record, we *affirm* all of the rejections on appeal essentially for the reasons stated in the Answer and those reasons set forth below.

¹The rejection of claims 34 and 39 under 35 U.S.C. § 102(e) over Provost has been withdrawn by the examiner (Answer, page 2, ¶(3)).

OPINION

A. The § 102(b) Rejection over OrdaCard

The examiner sets forth findings of fact regarding each rejected claim, showing where every limitation of each claim is described by the OrdaCard reference (Answer, page 4). Appellants argue that nowhere in OrdaCard is there any disclosure that the data communications are being processed by an ID card personalization device or that the software that is utilized to provide the service is a component of the ID card device (Brief, page 4).

These arguments are not well taken since claim 33 on appeal does not require data communications that are processed by the device or any particular software. As properly construed by the examiner (Answer, pages 4 and 7), claim 33 on appeal merely includes at least three components, namely a particular recited hardware component, a network adapter, and a web client. See *Vehicular Technologies Corp. v. Titan Wheel Int'l Inc.*, 212 F.3d 1377, 1383, 54 USPQ2d 1841, 1845 (Fed. Cir. 2000) ("a [claim] drafter uses the term 'comprising' to mean 'I claim at least what follows and potentially more.'"); and *Exxon Chemical Patents Inc. v. Lubrizol Corp.*, 64 F.3d 1553, 1555, 35 USPQ2d 1801, 1802 (Fed.

Cir. 1995)(the term "comprising" includes the essential elements recited in the claim but other elements may be added within the scope of the claim).

Appellants also argue that OrdaCard fails to disclose a web client as required by claim 33 on appeal, noting that a web client is conventionally known to operate "as an interface to an application running on a host on the network and subscribes to data served thereby." Brief, page 5.

This argument is not persuasive. Implicit in our review of the examiner's anticipation analysis is that the claim must first have been correctly construed to define the scope and meaning of each contested limitation. See *Gechter v. Davidson*, 116 F.3d 1454, 1457, 43 USPQ2d 1030, 1032 (Fed. Cir. 1997). During examination proceedings, claims are given their broadest reasonable interpretation consistent with the specification. See *In re Graves*, 69 F.3d 1147, 1152, 36 USPQ2d 1697, 1701 (Fed. Cir. 1995). The specification discloses that a web client can subscribe to data on a network (specification, line bridging pages 4-5), or can communicate data objects over a network (page 11), or can view and/or access data being served by a web server (page 14). As noted by the examiner (Answer, pages 4 and 7), OrdaCard discloses that a customer uses "Web-UPC r client

software" to communicate and receive data remotely (OrdaCard, second full paragraph). OrdaCard also discloses "remote live enrollment" for customers with "secured transfer of data" (first full paragraph). Accordingly, giving the broadest reasonable interpretation to the claimed term "web client" consistent with the specification, we determine that OrdaCard describes a "web client" that communicates data objects over a network, and views and accesses data from the server. Therefore we affirm the examiner's rejection of claim 33 under section 102(b) over OrdaCard.

With regard to the rejection of claim 34, we note that the examiner has asserted that "remote internet access" requires a web browser (Answer, page 8; see the "remote live enrollment" and "Internet connection" disclosed by OrdaCard). Appellants have not contested the examiner's assertion.

With regard to the rejection of claim 39, appellants argue that the "data subscription services" required by claim 39 is not the same as the "enrollment" taught by OrdaCard (Brief, page 11). However, we agree with the examiner that the broadest reasonable interpretation of "data subscription services" would include "remote live enrollment" of a customer to accomplish transfer of data to produce ID cards. See *In re Graves, supra*. We note that

appellants do not point to any definition of the claimed "data subscription services" in the specification.

With regard to the rejection of claim 49, appellants argue that OrdaCard merely describes server software which is believed separate from an ID card personalization device (Brief, page 13). This argument is not persuasive for reasons stated by the examiner (Answer, page 8), namely that the server, once connected to the network and printer, may be considered as part of the ID card "device."

For the foregoing reasons and those stated in the Answer, we affirm the examiner's rejection of claims 33, 34, 39 and 49 under section 102(b) over OrdaCard.

B. The § 102(e) Rejection over Provost

The examiner finds that every claimed limitation is described by Provost (Answer, page 5). Appellants argue that Provost fails to disclose or suggest that printer (106) includes a "network adapter" or a "web client", merely referring to a "customer" (Brief, page 6).

Appellants' argument is not persuasive. As noted by the examiner (Answer, page 8), the "network type connection" taught by Provost (col. 5, l. 37) requires at a minimum a hardware adapter. Appellants have not contested this assertion. As

further noted by the examiner (Answer, page 8), the personal computer 104 disclosed by Provost can communicate, view and/or access data over the network (from host data processor 102; see col. 5, ll. 45-49), and thus falls within the scope of the claimed "web client."

With regard to the rejection of claim 49, appellants argue that the remotely located host data processor 102 is not formed as a component of an ID card personalization device as recited in claim 49 (Brief, page 13). This argument is not persuasive since, as noted by the examiner (Answer, page 8), the host computer disclosed by Provost may be considered as a web server. The host data processor communicates with the personal computer 104 (web client)(see col. 5, ll. 29-31). See the specification, pages 11 and 12, where a "web server" allows the web clients to remotely access data (page 12) or serves information or data using Internet protocols to networked devices that include a web client (page 11). Giving the broadest reasonable interpretation to "web server" consistent with the specification, we agree with the examiner that Provost describes a host data processor that functions as a web server within the scope of claim 49. See *In re Graves, supra*.

For the foregoing reasons and those stated in the Answer, we affirm the examiner's rejection of claims 33 and 49 under section 102(e) over Provost.

C. The § 102(b) Rejection over Watanabe

The examiner finds that Watanabe discloses a card print mechanism, a network and adapter, a web client and a web server (Answer, page 5). Appellants argue that the terminal unit 39 of Watanabe is actually a device that is connected to the image file server 38 and is used to access data stored therein (Brief, page 6). Appellants thus argue that the cited component 39 is not a component of the printing device 21 of Watanabe and does not operate as a "web client" (*id.*).

Appellants' arguments are not persuasive. As construed above, a "web client" can communicate, view and/or access data objects over a network. Therefore we agree with the examiner that the retrieval terminal unit 39 is a "web client" since it can retrieve and output data from image file server 38 (col. 4, ll. 40-42). Additionally, we note that image file server 38 may also be considered a "web client" of host computer 34 since the written data and ID photo data obtained at the automatic reception apparatus 5 are transmitted via LAN channel 37 to the

image file server 38 (col. 4, ll. 36-40), thus falling within the scope of a "web client" as construed above.

With regard to the rejection of claim 49, appellants argue that the cited file server 38 of Watanabe is not a component of an ID card personalization device as illustrated in Figure 2 (Brief, page 13). This argument is not well taken since Figure 2 is not claimed and appellants have provided no argument or reasons why the *claimed* subject matter has not been described by Watanabe.

For the foregoing reasons and those stated in the Answer, we affirm the examiner's rejection of claims 33 and 49 under § 102(b) over Watanabe.

D. The § 102(b) Rejection over D'Entremont

The examiner finds that D'Entremont discloses a card print mechanism, a network and adapter, a web client and a web server (Answer, page 5). Appellants argue that the data acquisition units 22 of D'Entremont are not formed as components of the recording unit 14 (Brief, page 7). This argument is not persuasive for reasons stated by the examiner (Answer, page 9), namely that once connected to the printer, the data acquisition unit 22 becomes a "web client" having a modem and transmitting data to the server, and thus becomes a "part" of the ID card

device. We additionally note that the central image server 20 may also be considered a "web client" since data is transmitted from data acquisition unit 22 to file server 20 (col. 6, ll. 49-53), thus falling within the scope of a "web client" as properly construed above.

With regard to the rejection of claim 49, appellants argue that the cited image server 20 of D'Entremont is illustrated as being separate from recording unit 14 and thus is not a component of an ID card personalization device as claimed (Brief, page 14). We again refer to and adopt the examiner's reasoning that the "web client" is connected to and a component of the device (Answer, page 9).

For the foregoing reasons and those stated in the Answer, we affirm the examiner's rejection of claims 33 and 49 under section 102(b) over D'Entremont.

E. The Rejections under § 103(a)

The examiner adopts the findings from OrdaCard and Provost as previously discussed (Answer, pages 5-6). With regard to the rejection over OrdaCard, the examiner further finds that Knowlton discloses the use of a web page containing links to information, where the links employ the "universally used common language as HTML" (Answer, page 6). With regard to the rejection over

Provost, the examiner further finds that Knowlton discloses a web browser and HTML element, as well the use of a web page containing links to information (*id.*). From these findings, the examiner concludes that it would have been obvious to one of ordinary skill in this art at the time of appellants' invention to use web pages containing links to allow wide-based and disparate customers the opportunity to place orders from remote locations, using the common HTML language, as taught by Knowlton, in the system of OrdaCard (*id.*). The examiner also concludes that it would have been obvious to one of ordinary skill in this art at the time of appellants' invention to use the web browser to display web pages containing links, using the HTML language, as taught by Knowlton, to allow wide-based and disparate customers to place orders from remote locations in the system of Provost (Answer, page 7). We agree.

With regard to the rejection of claim 33, appellants argue that there is no explanation how the combination of OrdaCard and Knowlton (or Provost and Knowlton) overcomes the deficiencies of OrdaCard alone (or Provost alone)(Brief, page 7). Additionally, appellants argue that neither OrdaCard nor Knowlton discloses a

"web client" as required by claim 33 (Brief, pages 7-8).²

Appellants' arguments are not well taken since, as previously discussed, each of OrdaCard and Provost discloses all the limitations required by claim 33 on appeal within the meaning of section 102. Since anticipation is the epitome or ultimate of obviousness, we affirm the rejection of claim 33 under section 103(a). See *In re Fracalossi*, 681 F.2d 792, 794, 215 USPQ 569, 571 (CCPA 1982). Of course, this affirmance also applies for the same reason to claim 49 (for Provost in view of Knowlton) and claims 34, 39 and 49 (for OrdaCard in view of Knowlton).

With regard to the rejection of claims 35 and 36 over OrdaCard in view of Knowlton, appellants argue that there is no disclosure or suggestion of a web page containing links to information in Knowlton (Brief, page 10). This argument is not persuasive for reasons noted by the examiner (Answer, page 9), namely that clicking on an image at a server to get visual links to information describes, or at least suggests, a web page containing links to information (see Knowlton, col. 11, ll. 14-36, and col. 12, ll. 30-58).

²Appellants erroneously state "Provost" in the argument when they apparently meant "OrdaCard" (Brief, page 7, second full paragraph).

With regard to the rejection of claims 34, 35 and 36 over Provost in view of Knowlton, appellants argue that neither Provost nor Knowlton disclose or suggest a web browser as recited in claim 34 (Brief, page 9). Appellants further argue that Knowlton does not disclose or suggest the elements of claims 35 and 36 (Brief, page 11). These arguments are not persuasive. As noted by the examiner (Answer, page 10), Knowlton discloses a web browser to display HTML web pages containing links to information (i.e., Visual Links Automatic Capture Engine 138A accesses HTML pages located in Web Servers 118 by Network Data Collector and Indexing Server 122; see col. 10, ll. 35-47). With regard to claims 35 and 36, we adopt our comments from above.

For the foregoing reasons and those stated in the Answer, we determine that the examiner has established a *prima facie* case of obviousness based on the reference evidence. Based on the totality of the record, including due consideration of appellants' arguments, we determine that the preponderance of evidence weighs most heavily in favor of obviousness within the meaning of section 103(a). Therefore we affirm the examiner's rejections based on 35 U.S.C. § 103(a).

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F. Summary

We affirm all of the rejections on appeal. Therefore the decision of the examiner is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1(iv)) (effective Sep. 13, 2004; 69 Fed. Reg. 49960 (Aug. 12, 2004); 1286 Off. Gaz. Pat. Office 21 (Sep. 7, 2004)).

AFFIRMED

TERRY J. OWENS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
THOMAS A. WALTZ)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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ROMULO H. DELMENDO)	
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